

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Patent Application of)	
U.S. Patent No. 6,239,118)	Group Art Unit: To be assigned
Richard A. SCHATZ et al.)	Examiner: To be assigned
Application No.: To be assigned)	Confirmation No.: To be assigned
Filed:)	
For: METHOD FOR PREVENTING)	
RESTENOSIS USING A SUBSTITUTED)	
ADENINE DERIVATIVE)	
)	
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)	

REISSUE APPLICATION DECLARATION BY THE INVENTORS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We, Richard A. Schatz, residing at P.O. Box 8517, Rancho Santa Fe, California 92067, and Alan Saven, residing at 15156 Rancho Real, Del Mar, California 92014, do hereby declare and state that:

- (1) We are all citizens of the United States, residing at the above-identified respective residences and are the original first and joint inventors of the invention described in U.S. Patent No. 6,239,118, issued May 29, 2001 and described and claimed in the application for a reissue application.
- (2) We have reviewed and understand the contents of the above-identified reissue application for reissue patent, including the amended claim and the added claims.

(3) We acknowledge the duty to disclose information material to the examination of this application in accordance with Title 37, Code of Federal Regulation §1.56(a).

(4) U.S. Patent No. 6,239,118 is wholly or partly inoperative or invalid by reasons of the patentees claiming more or less than they had the right to claim in the patent by reason of errors in the claims.

(5) A deficiency arises in the claims due to the failure to claim a particular embodiment of the invention. In particular, the claims are directed to a method of preventing restenosis, but fail to recite the embodiment wherein at least one of a plurality of therapeutically effective doses of a medicament is administered to a human topically with a carrier, and that the carrier can be a stent. Claims 16, 17, and 18 introduced via the contemporaneously filed Preliminary Amendment filed with this reissue application eliminates this error in claiming more or less than we had a right to claim.

(6) All errors that are being corrected in the present reissue application up to the time of filing of this Declaration arose without any deceptive intent on the part of the applicants.

(7) We hereby appoint the attorneys of Burns, Doane, Swecker & Mathis, L.L.P.
(Customer No. 21839) with full power of substitution and revocation to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith:

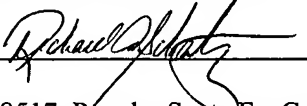
All correspondence may be directed to:

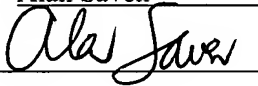
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(9) The undersigned declare further that all statements made herein are believed to be true and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the U.S. Code and that such willful, false statements may jeopardize the validity of the application and any patent issued or reissued thereon.

Full name of first inventor Richard A. Schatz
Inventor's signature  Date 2/3/04
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Full name of second inventor Alan Saven
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